

## **REMARKS/ARGUMENTS**

### **I. General Remarks and Disposition of the Claims.**

Claims 1-46 are pending in this application. Claims 21-23 and 44-46 have been allowed. Claims 3-5, 9-11, 14-20, 26-28, 32-34, and 37-43 stand objected to. Claims 1, 2, 6-8, 12, 13, 24, 25, 29-31, 35, and 36 stand rejected.

Applicant respectfully request reconsideration of the application in view of the remarks contained herein. Applicant has not included a listing of claims in this Response because Applicant has not made any claim amendments herein. *See Manual of Patent Examining Procedure* §714(II)(C) (2004) (hereinafter "MPEP").

### **II. Remarks Regarding the Rejection of Certain Claims Under 35 U.S.C. § 103.**

The Examiner has rejected "[c]laims 1, 2, 6-8, 12, 13, 24, 25, 29-31, 35 and 36 . . . under 35 U.S.C. 103(a) as being unpatentable over Stahl et al. (4951921) [hereinafter "*Stahl*"] in view of Burns et al. (4578201) [hereinafter "*Burns*"] and Mitchell et al. (6242390) [hereinafter "*Mitchell*"]." (Office Action at 2.) With respect to *Stahl*, the Examiner has stated:

Stahl et al disclose a method of fracturing (col. 5, line 35) a subterranean zone penetrated by a well bore having a temperature up to 400 degrees F (col. 12, line 41) comprising pumping a viscous, aqueous fracturing fluid into the subterranean zone at a rate and pressure sufficient to fracture the zone, salt water (col. 22, line 22) fluid, a water viscosity increasing terpolymer of 2-acrylamido-2-methylpropane-sulfonic acid (col. 20, lines 3-4), acrylamide (col. 16, line 30) acrylic acid (col. 34, line 32), and recognizing carbon dioxide (col. 1, lines 65-66) and foamed solutions (col. 2, line 10) in compositions for an enhanced recovering method but not a foaming agent, gas, or a viscosity breaker for effecting a controlled reduction in the viscosity of the fracturing fluid.

(Office Action at 2.)

To establish a *prima facie* case of obviousness, the cited references must disclose, expressly or inherently, each and every claim limitation. *See* MPEP § 2142. Since the cited references do not disclose each and every claim limitation, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness with respect to claims 1, 2, 6-8, 12, 13, 24, 25, 29-31, 35 and 36. *See* MPEP § 2142.

More particularly, independent claims 1 and 24 are allowable over *Stahl* in view of *Burns* and *Mitchell* because this combination does not disclose, expressly or inherently, the use of a “terpolymer of 2-acrylamido-2-methylpropane sulfonic acid, acrylamide, and acrylic acid or salts thereof.” The Office Action alleges that *Stahl* discloses a “terpolymer of 2-acrylamido-2-methylpropane-sulfonic acid (col. 20, lines 3-4), acrylamide (col. 16), line 30)[, and] acrylic acid (col. 34, line 32),” (Office Action at 2), but this is incorrect. *Stahl* does not disclose the recited terpolymer. Instead, *Stahl* is directed to “a novel process[] . . . comprising the introduction of *polymers comprising an N-vinyl lactam* and an unsaturated amide into a subterranean well bore . . . [and] novel methods . . . for the preparation of *novel polymers of N-vinyl lactams*.” (*Stahl*, col. 8, ll. 49-67) (emphasis added.) In particular, the copolymers and terpolymers disclosed in *Stahl* should have the “minimum amount of N-vinyl lactam comonomer . . . necessary to provide the desired polymer properties, e.g. viscosity and stability, under the expected environmental conditions.” (*Stahl*, col. 15, ll. 46-49.) Accordingly, it is clear that *Stahl* does not disclose, expressly or inherently, a terpolymer of 2-acrylamido-2-methylpropane sulfonic acid, acrylamide, and acrylic acid or salts thereof.

Moreover, neither *Burns* nor *Mitchell* can be used to supply this missing recitation. Rather than disclosing the recited terpolymer, *Burns* is directed to “polymeric viscosifiers . . . produced from a N-vinyl lactam.” (*Burns*, col. 4, ll. 4-7.) Moreover, *Mitchell* does not disclose the recited terpolymer, but instead is directed to “a composition comprising an aqueous mixture of a hydrated polysaccharide, preferably a galactomannangum [sic] . . . ; a crosslinking agent . . . ; and a control solubility compound for releasing a chelating agent.” (*Mitchell*, col. 2, ll. 58-67.) Thus, *Stahl* in view of *Burns* and *Mitchell* does not teach or suggest the use of a terpolymer of 2-acrylamido-2-methylpropane sulfonic acid, acrylamide, and acrylic acid or salts thereof as recited in independent claim 1.

Therefore, independent claims 1 and 24 are not obviated by *Stahl* in view of *Burns* and *Mitchell*. Accordingly, for at least these reasons, independent claims 1 and 24 and their dependents, claims 2, 6-8, 12, 13, 25, 29-31, 35 and 36, should be allowed.

### **III. Remarks Regarding Objection to Claims 3-5, 9-11, 14-20, 26-28, 32-34, and 37-43.**

The Examiner has objected to claims 3-5, 9-11, 14-20, 26-28, 32-34, and 37-43 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form. The Applicants gratefully acknowledge the Examiner's

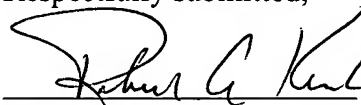
indication of the allowability of these claims. All these dependent claims, however, should be allowed because independent claims 1 and 24, from which these claims depend, are allowable as indicated above in Section II.

**SUMMARY AND PETITION FOR EXTENSION OF TIME**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants hereby petition under the provisions of 37 C.F.R. § 1.136(a) for a one-month extension of time to file this Response, up to and including January 26, 2006. The Commissioner is hereby authorized to debit the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300 in the amount of \$120.00 for the fee under 37 C.F.R. § 1.136(a) for the One-Month Petition for Extension of Time to File this Response. Should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300.

Respectfully submitted,



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